

REMARKS

In the Notice of Non-Compliant Amendment, mailed August 14, 2006, it is respectfully submitted that no clear indication of how the submitted amendment is non-compliant was provided.

For example, though box (4) of the Notice of Non-Compliant Amendment is checked, no sub-elements of box (4) (i.e., sub-elements A-E) that indicate how the amendments to the claims are non-compliant are indicated. In reviewing the suggested non-compliant possibilities in sub-elements A-E, Applicant assumes that sub-element C, which states: each claim has not been provided with the proper status identifier” is the reason for indicating non-compliance of the originally filed Amendment. To correct that deficiency, the status identifiers for claims 2, 3, 5, 7, 9 and 11-14 have been revised to recite “previously presented” instead of “previously amended.” A revised section entitled: “Amendments to the Claims” is attached hereto and brings the Amendment into compliance.

In addition, box (5) for “Other” of the Notice of Non-Compliant Amendment is checked. However, no clarification of what “Other” non-compliant aspect of the filed amendment is indicated. In fact, the only indication of possible non-compliance supplied for box (5) is the parenthetical example stating: “the amendment is unsigned or not signed in accordance with 37 CFR 1.4.” To that end, according to the requirements of the PTO, an electronic signature is sufficient. In particular, the PTO EFS-website states:

Q: What are the signature requirements for filing using EFS-Web?

The signature policy of EFS-Web is addressed in detail in the EFS-Web Legal Framework. PDF files submitted using EFS-Web should include either a handwritten signature in compliance with 37 CFR 1.4(d)(1) or an S-signature in compliance with 37 CFR 1.4(d)(2) inserted before scanning the document or converting it to image-based PDF form. It is noted that when filing a new application by EFS-Web, a signed transmittal form or a signed application data sheet (ADS) is recommended for identification purposes. It should be noted, however, that

a signature is not required to obtain a filing date for a new patent application (emphasis added).

The signature page of the Amendment electronically filed on August 10, 2006, meets the requirements of 37 CFR 1.4(d) (2). Therefore, it is respectfully submitted that the Amendment electronically filed on August 10, 2006, was signed in compliance with standard PTO practices.

In view of the above, Applicant respectfully requests further clarification of any non-compliant elements of the electronically filed response and believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 21547-00283-US from which the undersigned is authorized to draw.

Dated: September 14, 2006

Respectfully submitted,

Electronic signature: /Myron Keith Wyche/
Myron Keith Wyche, Reg. No. 47,341
CONNOLLY BOVE LODGE & HUTZ LLP
1990 M Street, N.W., Suite 800
Washington, DC 20036
(202) 331-7111
(202) 293-6229 (Fax)
Agent for Applicant